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5 **UNITED STATES DISTRICT COURT**
6 **SOUTHERN DISTRICT OF CALIFORNIA**
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8 PAMELA STONEBREAKER,

9 Plaintiff,

10 vs.
11 GUARDIAN LIFE INSURANCE
12 COMPANY OF AMERICA, a
13 corporation; WESTERN RESERVE LIFE
14 INSURANCE COMPANY OF OHIO, a
15 corporation; UNION SECURITY
16 INSURANCE COMPANY, a corporation;
17 DOES 1-100, inclusive.

CASE NO. 11cv797 WQH (WVG)

ORDER

18 Defendants.

19 GUARDIAN LIFE INSURANCE
20 COMPANY OF AMERICA, a
21 corporation,

22 vs.
23 Counterclaimant,

24 PAMELA STONEBREAKER,

25 Counterdefendant.

26 GUARDIAN LIFE INSURANCE
27 COMPANY OF AMERICA, a
28 corporation,

Cross-Claimant,

vs.
KRISTIN STONEBREAKER, a minor;
KELLI STONEBREAKER, a minor;
RYAN STONEBREAKER, a minor,

Cross-Defendants.

1 HAYES, Judge:

2 On February 6, 2013, the Court conducted a pretrial conference in this case.

3 **IT IS HEREBY ORDERED:**

4 1. A jury trial in this matter is set for **September 10, 2013 at 9:00 A.M.** in
5 Courtroom 14B. At trial, each party shall have a total of 20 hours to present its case.

6 2. The briefing schedule for the parties' motions in limine and *Daubert* motions is
7 as follows: the parties shall file and serve their moving papers on or before **June 14, 2013**; the
8 parties shall file and serve their responses on or before **June 28, 2013**; and the parties shall file
9 and serve their replies on or before **July 5, 2013**. The Court will hear oral argument on the
10 motions in limine and *Daubert* motions on **July 25, 2013 at 9:30 A.M.** in Courtroom 14B.

11 3. The parties shall file their jury instructions as follows:

12 a. On or before **May 31, 2013**, the parties shall serve their proposed jury
13 instructions on each other. The parties shall then meet, confer, and jointly file
14 a complete set of agreed-upon instructions on or before **June 14, 2013**.

15 b. If the parties cannot agree upon one complete set of instructions, they are
16 required to file, on or before **June 14, 2013**, a set of the agreed-upon
17 instructions, and a supplemental set of instructions which are not agreed upon.

18 c. The agreed-upon instructions and any supplemental instructions not
19 agreed upon shall state the number of the proposed instruction, the instruction
20 itself, and any authority supporting the instruction. If any instructions are
21 pattern instructions, the instruction shall cite the source of the instruction.

22 d. The parties shall clearly indicate any modifications of instructions from
23 statutory authority, Ninth Circuit pattern instructions, or CACI pattern
24 instructions and include any authority supporting the modification.

25 e. In the event that the parties file a supplemental set of instructions not
26 agreed upon, the party opposing the not-agreed-upon instructions shall file its
27 objections to the instructions in writing on or before **June 28, 2013**. Any
28 objection shall contain a concise statement of argument concerning the

objection, including citations to authority.

4. The parties shall jointly file a proposed verdict form on or before **June 14, 2013**.

3 If the parties cannot agree on a joint proposed verdict form, each party shall file a separate
4 verdict form along with written objections to the other party's proposed verdict form on or
5 before **June 14, 2013**.

5. The parties shall file proposed voir dire questions on or before **June 14, 2013**.

6. The parties shall file a joint statement of the case on or before **June 14, 2013**.

8 The statement should be brief and concise, as the Court will read it to the jury at the outset of
9 the trial.

10 7. The parties shall notify the law clerk at least **seven (7) days** prior to the date of
11 any hearing or trial if they intend to use any special equipment, such as video projectors, slide
12 projectors, or tape recorders. The parties shall prepare and e-mail to the Court a proposed
13 order listing all such equipment and the dates that such equipment will be brought into the
14 Courtroom. The parties must bring a copy of the signed order allowing extra equipment to
15 present to Court security on the day of the hearing/trial. Without a copy of the signed order,
16 counsel will not be allowed to enter the Court with the equipment.

17 8. The parties shall file and serve trial briefs on or before **August 30, 2013**. The
18 trial briefs shall summarize the parties' theories of the case and what they expect the evidence
19 to show.

20 9. On or before **August 30, 2013**, the parties shall provide the Court with a copy
21 of each exhibit. The parties shall maintain the original exhibits. On the first day of trial, each
22 party shall provide the Courtroom Deputy with its witness and exhibit lists in the form
23 specified in Civil Local Rule 16.1(f)(2)(c) and (d).

24 10. On or before **August 30, 2013**, the parties shall file and e-mail to the Court in
25 Word or WordPerfect format a new, signed Joint Pretrial Order which includes the following
26 language in Section 13: *“Each side shall have a total of 20 hours to present its case.”*

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1 11. Plaintiff and counsel for Defendants shall personally appear for a Final Pretrial
2 Conference on **September 6, 2013** at **10:00 A.M.** in Courtroom 14B.

3 DATED: February 6, 2013

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5 **WILLIAM Q. HAYES**
6 United States District Judge

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